



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,724	10/09/2001	Akihiko Toyoshima	50P4257.04	7817

36738 7590 08/10/2007
ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/974,724	Applicant(s) TOYOSHIMA, AKIHIKO	
	Examiner Sam Bhattacharya	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US 5,426,594) in view of Kanevsky et al. (US 6,393,470).

Regarding claim 1, Wright discloses an apparatus in FIGS. 1 and 2 for managing data for a wireless device 102, including a first memory 106 for storing received data of a wireless device (col. 3, lines 54-58 and col. 7, lines 24-31); a second memory 108 for storing a network operational file, said operational file consisting of instructions for selecting a destination using a wireless module 110/112 of said wireless device (col. 3, lines 58-61, col. 6, lines 41-48 and col. 11, lines 36-57), and instruction means 104 for operating the network operational file for sending the received data using the wireless module to the selected destination, wherein the instruction means sends the received data via a wireless path to an email address associated with the selected destination, wherein the wireless device can receive data from a source (col. 3, line 64 – col. 4, line 16 and col. 11, lines 48-57).

Wright fails to disclose an operational file that designates a storage server to receive data in lieu of the wireless device when insufficient memory space exists in the first and/or second memory.

However, in an analogous art, Kanevsky discloses a digital camera system in Fig. 2 that includes an operational file that designates a storage server to receive data in lieu of the wireless device when insufficient memory space exists in the first and/or second memory. See col. 3, line 64 – col. 4, line 9 and col. 4, lines 32-46. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Wright by incorporating these features as taught by Kanevsky for the purpose of ensuring that data is not lost if there is not sufficient space in the memory.

Regarding claim 2, Wright discloses that the first and second memories (106,108) are located on the wireless module (110/112). See FIG. 1.

Regarding claim 3, Wright discloses that the network operational file can be configured for the wireless device and the selected destination. See col. 7, line 60 – col. 8, line 26.

Regarding claim 5, Wright discloses that the instruction means can send the received data in real time to a selected destination. See col. 7, lines 6-11.

Regarding claims 6 and 7, Wright discloses that the host at 35 can send data in real time via the wireless module to the wireless device. See col. 3, lines 27-36.

Regarding claim 8, Wright discloses that the wireless device is a digital camera, PDA, laptop, MP3 player, or a wireless flash memory device. See col. 1, lines 14-42.

Regarding claim 9, Wright discloses that the wireless device is connectable through wireless communication with a central station, which inherently includes a cellular or DSP network. See col. 3, lines 36-53.

Regarding claim 10, Wright discloses that the wireless module (110/112) is integrated into the wireless device (102). See FIG. 1.

Art Unit: 2617

3. Claim 30 is rejected under 35 U.S.C. 103(e) as being unpatentable over Kanevsky et al. (US 6,393,470) in view of Wasula et al. (US 2002/0054224).

Regarding claim 30, Kanevsky discloses a digital camera system in FIG. 2 including a digital camera 200, a wireless transmitter 202 coupled to the camera, and a memory 201 for storing digital photographs from the camera (col. 3, line 64 – col. 4, line 9), data being automatically sent using the wireless transmitter to a remote location (storage server) via a network router (transmission server) when an amount of data stored in the memory reaches a threshold (FIG. 5 and col. 4, lines 32-46).

Kanevsky fails to disclose a threshold indicator indicating that a transfer operation is taking place.

However, in an analogous art, Wasula discloses a camera that includes a threshold indicator indicating that a transfer operation is taking place. See paragraph 31, lines 1-32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Kanevsky by incorporating this feature taught by Wasula so that a user knows when the memory capacity has been exceeded.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER